

ESTTA Tracking number: **ESTTA67038**

Filing date: **02/17/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Cars Jeans & Casuals B.V.
Granted to Date of previous extension	03/18/2006
Address	Generaal Vetterstraat 67 Amsterdam, NL-1059 BT NETHERLANDS
Attorney information	Anne S. Mason Mason Law, P.L. 4755 East Bay Drive Clearwater, FL 33764 UNITED STATES mason@masonlaw.biz Phone:727-538-3800

Applicant Information

Application No	78614903	Publication date	01/17/2006
Opposition Filing Date	02/17/2006	Opposition Period Ends	03/18/2006
Applicant	Getty Petroleum Marketing Inc. 125 Jericho Turnpike Jericho, NY 11753 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and sevicees in the class are opposed, namely: Clothing, namely shirts and hats

Attachments	3977C003.Ntc of Opp to USPTO.pdf (4 pages)
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Signature	/ASM-3977/
Name	Anne S. Mason
Date	02/17/2006

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Getty Petroleum Marketing, Inc. SERIAL NO.: 78/614,903 FILED: April 22, 2005 MARK: WE LOVE CARS	 CLASS: 25 PUBLISHED: January 17, 2006
CARS JEANS & CASUALS, B.V., Opposer, vs. GETTY PETROLEUM MARKETING, INC., Applicant	 OPPOSITION NO.: _____

To: ASSISTANT COMMISSIONER OF TRADEMARKS
P.O. BOX 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Cars Jeans & Casuals, B.V., by and through the undersigned attorney, opposes the registration of WE LOVE CARS in Class 25 by Applicant and as grounds therefor states:

A. **IDENTIFICATION OF OPPOSER:**

1. Opposer is Cars Jeans & Casuals, B.V., a company with its principal place of business at Generaal Vetterstraat 67, NL-1059 BT Amsterdam, Netherlands.

2. Opposer is the owner of International Registration No. 589841.

The International Registration is dated July 20, 1992 and the request for extension of protection has been processed. Forty-three countries are designated in the International Registration, including the United States.

3. Opposer is also the Applicant in a U.S. trademark application for the mark CARS in Class 25 for clothing, namely, trousers, shorts, skirts, dresses, shirts, jackets, tee-shirts, tank tops, sweaters, shoes and headwear (No. 79008543). That application was published for opposition on December 12, 2005 and no opposition was filed. The current location of the file in the Trademark Office is the Publication and Issue section.

4. Opposer's mark is well known for clothing -- especially jeans and casual clothing -- and has trademark protection in many countries. Opposer's mark already has trade identity in the United States through its web site www.carsjeans.nl.

5. Opposer believes it will be damaged by the grant of the registration of the mark WE LOVE CARS for apparel and hereby opposes such registration.

B. GROUND FOR OPPOSITION:

6. Opposer has been in the clothing and apparel business under the brand CARS since 1982. It has become well known and famous in connection with jeans and other casual attire.

7. As a result of its continuous use of the mark since 1982 in various countries, and more recently on its web site, the trade and consuming public in the United States have come to know and associate Opposer's CARS mark with casual attire and having their origin and source with Opposer.

8. Opposer's adoption and use of CARS with attire predates the adoption and use of Applicant's mark in the United States. In point of fact, Applicant's application is an intent to use application.

9. Opposer has the exclusive right to use the mark CARS in connection with the goods and services identified in its application and has never granted any rights to Applicant and has not abandoned its rights.

10. Upon information and belief, Applicant's goods are identical to Opposer's and will be offered for sale in the same or similar channels of trade.

11. Applicant has incorporated Opposer's complete mark into its mark with the result that Applicant's mark has the same commercial impression. Because the marks are similar, the goods are the same, the products will travel in the same channels of trade, and will be directed to similar consumers, registration of the WE LOVE CARS mark is likely to cause confusion in connection with Applicant's services and is likely to deceive the consumers as to the source or sponsorship of such goods.

12. Opposer will be damaged by the granting to Applicant of the Registration for the trademark WE LOVE CARS because: (a) it is likely to cause confusion; (b) falsely suggests a connection with Opposer; (c) will cause consumers to purchase Applicant's goods instead of Opposer's assuming they were purchasing Opposer's goods; (d) damage the good will associated with Opposer's mark.

13. Applicant, therefore, is not entitled to the registration of its mark.

WHEREFORE, Opposer asks that the opposition be sustained, and that the application serial number 78/614,903 be denied and refused; and Opposer be awarded such other relief deemed reasonable and proper.

Mason Law, P.L. a
Professional Limited Liability Company



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Attorney for Opposer

Date: February 17, 2006